

Remarks

After entry of the forgoing amendments, claims 39-49 and 51-63 are pending. Claims 39, 40, 51-58 and 61-63 have been amended herein. Claim 64 has been canceled herein. Support for the addition of the phrase "where each T may be different if n is greater than 1" in each of the independent claims may be found at least at page 6, line 21. Support for the limitation of "p" to 1 may be found at least in the original claims which indicated that "p" was a positive integer and that "p" may be greater than 1 in some instances. Inherently, "p" can be 1 at least part of the time if "p" is a positive integer and can be greater than 1 in some instances. The amendments to the structures have support at least in the original claims. Applicants submit that no new matter has been added with these amendments.

Applicants thank the examiner for withdrawing the § 112, second paragraph rejections denoted "A-D" and the written description rejection under § 112, first paragraph. Applicants also thank the examiner for withdrawing the §102 rejection over Thurston et al.

Objections to the Claims

Claims 39, 40, 51-58 and 61-63 were objected to for the improper use of commas. Applicants have amended the claims to delete these commas and request that the objection be withdrawn.

Rejections Under Section 112, Second Paragraph

Claims 51-53, 55-57 and 61-64 were rejected under § 112, second paragraph, as indefinite for various reasons. First, claims 51-53, 55-57 and 61-63 because the phrase "if m [or p] is greater than 1" is vague and indefinite in light of the amendments to limit m and p to 1-16. Without acquiescing to the propriety of the rejection, Applicants have amended the claims to indicate that p is 1 and deleted the phrase with respect to p. Applicants submit that this renders that portion of the rejection moot and request that it be withdrawn.

Applicants respectfully submit that the phrase is not vague and indefinite with respect to "m". According to the MPEP,

[t]he essential inquiry pertaining to [the definiteness] requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

(MPEP 2173.02). One of ordinary skill in the art would understand that “m” can be any integer from 1 to 16 and therefore can be greater than 1 for some of the compounds within the scope of the claim, such as instances where “m” is, e.g., 2. Therefore, this proviso is not indefinite as one of ordinary skill in the art would be able to properly interpret the phrase. Applicants respectfully request that the rejection be withdrawn as the terms meet the requirements of § 112, second paragraph.

Second, claim 64 was rejected as indefinite. Without acquiescing to the propriety of the rejection, Applicants have canceled claim 64 and request that the rejection be withdrawn.

Rejections Under Section 112, First Paragraph

Claims 39-49 and 51-64 were rejected as containing new matter for various reasons. First, claims 39, 51-58 and 61-64 were amended to delete a ring nitrogen from the structures. This arose from a typographical error in preparing the previous response. Applicants have corrected this error and request that the rejection be withdrawn.

Second, claims 39, 51-58 and 61-64 were amended to indicate that “m” and “p” were from 1 to 16. In the present response, “p” was amended to indicate that it is 1. Applicants respectfully submit that this renders the rejection moot with respect to “p” and request that this portion of the rejection be withdrawn.

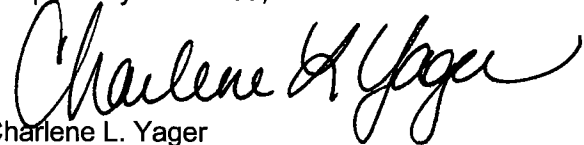
Applicants respectfully submit that there is written description support for the amendment limiting “m” to 1 to 16. The fundamental inquiry for determining compliance with the written description requirement is whether the specification conveys with reasonable clarity to those skilled in the art that the inventors had possession of the claimed invention as of the time of filing. *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991). There is no *in haec verba* requirement for claim limitations. However, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure. MPEP 2163. One of ordinary skill in the art would understand that “m” is implicitly analogous to “n”. “m” is the number of combinatorial groups (T) and “n” is the number of combinatorial groups (T). Further, on page 8 of the specification “m” and “n” are discussed together as having the same definition. (Page 8, line 10). Thus, one of ordinary skill in the art would understand “m” to have the same limitations as “n” and that “m” could also be limited to 1 to 16. Applicants respectfully submit that the claims meet the written description requirement and request that the rejection be withdrawn.

Third, claim 64 was rejected for the use of the term "target molecule". Without acquiescing to the propriety of the rejection, Applicants have canceled claim 64 and request that this rejection be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. Should the examiner feel that any issues remain or wish to discuss anything further, the examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charlene L. Yager", written in a cursive style.

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